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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/785,237	02/20/2001	Werner Blumenstock	Q63062	4413

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EXAMINER	
BOUTAH, ALINA A	

ART UNIT	PAPER NUMBER
2143	

DATE MAILED: 07/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/785,237	BLUMENSTOCK, WERNER	
	Examiner	Art Unit	
	Alina N Boutah	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 May 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-11 and 26-32* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-11 and 26-32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *20 February 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

This action is in response to Applicant's amendment filed April 14, 2006. Claims 1-11 and 26-32 are pending in the present application.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 14, 2006 has been entered.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 5 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The amended claim recites "wherein the automation system comprises equipment of a

production or a manufacturing process." Such element is not found, neither was it defined in the specification.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 1-11 and 26-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 5,715,393 issued to Naugle in view of US 2003/0120775 by York.

(Amended) Regarding claim 1, Naugle teaches a system operable to generate a message related to a control unit of an automation system (figure 2: combination of monitor computer and target computer), the system comprising:

a data transmission system (figure 1: network 37) in communication with the control unit (figure 2: monitor computer 11) and in further communication with a receiving device (figure 2: target computer 12),

wherein the message is an e-mail message generated in response to an operation of the automation system and the data transmission system is an Intranet and/or the Internet and the control unit comprises means for generating the message for a specific receiving device addressable with a pre-defined address and wherein further the message has an address field to identify a recipient of the corresponding message, and the receiving device has means to receive the message sent by the control unit and

automatically respond to the message (figure 2; abstract; example of status email message on col. 4, line 38 to col. 5, line 22), and

wherein the control unit controls operation of the automation system (col. 1, lines 20-22).

However, Naugle does not explicitly teach wherein the control unit monitors the automation system and in response to a fault detected in the automation system, generates the e-mail message.

York teaches a management console monitoring network device such as an SNMP manageable devices (figure 1), and in response to a fault detection, generates an email message to a user (abstract; figure 2: 370, paragraph 0020 and 0022). At the time the invention was made, one of ordinary skill in the art would have been motivated to employ the teaching of York in combination with the teaching of Naugle in order to facilitate the network management, thus making the network more robust.

Regarding claim 2, Naugle teaches the system as claimed in claim 1, wherein the message has an identification field for inserting a message identification that is individually assigned to each message and the control unit comprises means to receive an acknowledgment returned by the receiving device which is intended for the control unit, said acknowledgment comprising the identification associated with the message as an acknowledgment identification, and the control unit further comprising means to compare the acknowledgment identification contained in acknowledgment with the message identification contained in the transmitted message (example of status email message on col. 4, line 38 to col. 5, line 22).

Regarding claim 3, Naugle teaches a system as claimed in claim 2, wherein the control unit further comprises means for marking the message as acknowledged if the means to compare determines that the control unit has received an acknowledgment with the message identification assigned to the associated transmitted message (example of status email message on col. 4, line 38 to col. 5, line 22).

Regarding claim 4, Naugle teaches a system as claimed in claim 1, wherein the control unit is a stored-program control unit (abstract).

Regarding claim 5, Naugle teaches a control unit of an automation system comprising a transmitting device operable to generate and transmit an alarm or fault message of the automation system, via a data transmission system, to a receiving device capable of being linked to said data transmission system, wherein the transmitting device comprises means to generate the message as an e-mail message directed through the data transmission system embodied as an Intranet and/or the Internet, wherein the message comprises an address field to identify a recipient of the corresponding message and wherein the automation system comprises equipment of a production or manufacturing process (figure 2; abstract; col. 1, lines 35-50; example of status email message on col. 4, line 38 to col. 5, line 22).

Regarding claim 6, Naugle teaches a control unit as claimed in claim 5, wherein said control unit is a stored-program control unit (abstract).

Regarding claim 7, Naugle teaches a control unit as claimed in claim 5, wherein the message comprises an identification field for a message identification individually assigned to each message, the control unit further comprising; means to receive an acknowledgment returned by the receiving device to the control unit, said acknowledgment comprising the identification associated with the underlying message as the acknowledgment identification, and means to compare the identification contained in the acknowledgment with the identification contained in the transmitted message (example of status email message on col. 4, line 38 to col. 5, line 22).

Regarding claim 8, Naugle teaches a method for producing a message of a control unit of an automation system, the method comprising: sending the message via a data system to a receiving device capable of being linked to the data system, wherein the message is an e-mail message transmitted via an Intranet and/or the Internet to a predetermined receiving device, and wherein the e-mail message is generated in response to an operation of the automation system, and wherein the automation system comprises equipment of a production or manufacturing process (figure 2: 18-20).

Regarding claim 9, Naugle teaches the method as claimed in claim 8, wherein the control unit enters a message identification individually assigned to each message into an identification field of the message and the receiving device, after receipt of a message, automatically generates and returns an acknowledgment to the control unit, wherein said acknowledgment contains the identification associated with the underlying message as the acknowledgment identification, and the control unit compares the acknowledgment

identification contained in the acknowledgment with the message identification contained in the transmitted message (example of status email message on col. 4, line 38 to col. 5, line 22).

Regarding claim 10, Naugle teaches the method as claimed in claim 7, wherein receipt of a message is confirmed in the control unit if the control unit received an acknowledgment with the message identification assigned to the associated message (example of status email message on col. 4, line 38 to col. 5, line 22).

Regarding claim 11, Naugle teaches the method as claimed in claim 7, wherein the method is used to generate a fault and/or alarm message of a stored-program control unit, a numerical control unit and/or a robot control unit in connection with an automation system (col. 1, lines 35-50).

Regarding claim 27, Naugle teaches the system according to claim 1, wherein the acknowledge message provides the control unit with instructions to execute a predetermined action in response to the detected fault (col. 5, lines 23-53).

Regarding claim 28, Naugle teaches the system according to claim 1, wherein the response to the message comprises control commands in a programming language, and wherein said control commands influence at least one operation of the automation system (col. 2, lines 41-57).

Regarding claim 29, Naugle teaches the system according to claim 28, wherein the control commands are automatically executed by the control unit (claim 3).

Regarding claim 30, Naugle teaches the system according to claim 1, wherein the control unit receives the response from the receiving device, the status of the e-mail message is automatically changed to acknowledged enabling management of the e-mail message (figure 2: 18-20).

Regarding claim 31, Naugle teaches the system according to claim 1, wherein the e-mail message is an alarm message generated in response to the operation of the automation system when the control unit detects at least one of a fault occurring in the automation system and an attainment of a predetermined threshold to the operation of the automation system (col. 1, lines 29-45).

Regarding claim 32, Naugle teaches the system according to claim 1, wherein the receiving device automatically responds to the message by sending the control unit a reply message and wherein the control unit is a numerical controller (col. 1, lines 35-50 and figure 2: 18-20).

Response to Arguments

Applicant's argument has been considered, but not found persuasive. In response to Applicant's argument that York fails to teach controlling the operations of the automation system, the PTO respectfully submits that this is taught by Naugle in col.1,

lines 20-22, which discloses a computer system that may control ay variety of tasks which must be performed twenty-four hours a day, seven days a week.

Applicant employs broad language, which includes the use of word, and phrases, which have broad meanings in the art. In addition, Applicant has not amended the claims significantly enough to construe a narrower meaning to the limitations. As the claims breadth allows multiple interpretations and meanings, which are broader than Applicant's disclosure, the Examiner is forced to interpret the claim limitations as broadly and as reasonably possible, in determining patentability of the disclosed invention. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir.1993).

Failure for Applicant to significantly narrow definition/scope of the claims and supply arguments commensurate in scope with the claims implies the Applicant intends broad interpretation be given to the claims. The Examiner has interpreted the claims with scope parallel to the Applicant in the response, and reiterates the need for the Applicant to more clearly and distinctly, define the claimed invention.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alina N. Boutah whose telephone number is 571-272-3908. The examiner can normally be reached on Monday-Friday (9:00 am - 5:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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